


Administrative Office of the Courts

Chief Justice Christine M. Durham
Utah Supreme Court
Chair, Utah Judicial Council

MEMORANDUM

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

To: **Maurie Montague, Court Services**
From:  **Brent Johnson, General Counsel**
Re: **Violation Dates**
Date: **March 26, 2008**

This memorandum will memorialize the conversations that we have had concerning the importance of violation dates in criminal cases. As we discussed, in a case with multiple charges, violation dates are important. The court needs to have a record of violation dates within the case file. There are at least a couple of reasons why violation dates are important. First, violation dates can affect the statute of limitations. For example, there might be a case in which a citation is issued on a particular date and there is a subsequent failure to appear after a couple of weeks. It is possible that a prosecutor could delay filing an information on the citation until after the statute of limitations has passed on the citation, but before the statute of limitations has passed on the failure to appear. We need to know both dates to determine whether there is a statute of limitations issue.

Violation dates are also important for defendants. The example that you gave me was a case involving multiple counts of rape or sexual abuse in which the rape or sexual abuse occurred on different dates. A defendant needs to know those dates in determining defense strategy. For example, it might be alleged that abuse occurred on a particular date, but the defendant might be able to show that the defendant was, in fact, nowhere near the area on the date in question and therefore could not have committed the act. The same could perhaps be true for a failure to appear. Because a failure to appear must be "willful" under the statute, a defendant might be able to subsequently show that the defendant was in the hospital on the date in question and therefore the failure to appear was not willful.

Please let me know if you have any questions about this.

**The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.**